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*Attorneys for Plaintiff and the
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

DWAYNE AUSTIN, individually and on behalf of all persons similarly situated, : Civil Action No.: 2:21-cv-02100-KJM-DB
Plaintiff, : **CLASS AND COLLECTIVE ACTION**
v. :
FINISHLINE EXPRESS LLC and DHL EXPRESS (USA) INC. d.b.a. DHL EXPRESS, : **JURY TRIAL DEMANDED**
Defendants. : JOINT STATUS REPORT AND STIPULATION REGARDING TOLLING AND DEADLINE TO RESPOND TO PLAINTIFF'S COMPLAINT; ORDER THEREON

[Additional Counsel]

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JOINT STATUS REPORT AND STIPULATION TO EXTEND TOLLING AND DEADLINE TO RESPOND TO PLAINTIFF'S COMPLAINT; ORDER

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Attorneys for Defendant DHL Express (USA) Inc.

**JOINT STATUS REPORT AND STIPULATION TO EXTEND TOLLING AND
DEADLINE TO RESPOND TO PLAINTIFF'S COMPLAINT**

Plaintiff Dwayne Austin (“Plaintiff”) and Defendants Finishline Express (“Finishline”) and DHL Express (USA) Inc. (“DHL”) (collectively, the “Parties”), through their undersigned counsel, hereby report to the Court as follows:

1. Shortly after this lawsuit was filed the Parties agreed to seek a stay of the lawsuit to engage in ADR in an attempt to resolve the case.

2. The Court granted that and several other requests for stays which included the tolling of the statute of limitations on potential wage claims for the Parties and the Class Members and extensions of the deadline for Defendants' first responsive pleadings.

3. Despite engaging in a formal mediation on May 26, 2022 followed by continued discussions regarding a potential settlement, no settlement has been reached.

4. Currently, Defendants' first responsive pleadings currently are due November 1, 2022.

5. Although the stay entered by this Court expired on September 2, 2022, the Parties extended the stay for tolling purposes regarding the statute of limitations until November 1, 2022.

6. The parties are continuing to explore early resolution of this action and believe at this time their resources are better spent on attempting to reach an early resolution in lieu of responsive pleading practice while at the same time conserving scarce judicial resources.

7. The parties agree that tolling of the statute of limitations on potential wage claims for the Parties and the Class Members and Defendants' deadline to respond to Plaintiff's complaint to December 16, 2022.

Pursuant to Local Rule 131(e) filing counsel represents they have obtained the approval of the undersigned prior to submission.

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1 Dated: October 20, 2022

Respectfully submitted,

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3 /s/ Alexandra K. Piazza (as authorized on
4 10/20/2022)
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9 *Attorneys for Defendant DHL Express (USA)
10 Inc.*

1 ORDER
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3 The court has reviewed the parties' joint status report and stipulation, ECF No. 16. Good
cause appearing, the court orders:

4 1. The statute of limitations on potential wage claims shall be tolled for the Parties
5 and Class Members.

6 2. The deadline for Defendants' to respond to Plaintiff's complaint is December 16.
7 2022.

8 **IT IS SO ORDERED.**

9 DATED: October 25, 2022.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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